

**MONDAY, MARCH 31, 2003**

**TWENTY-FIFTH LEGISLATIVE DAY**

**CALL TO ORDER**

The Senate met at 5:00 p.m., and was called to order by Mr. Speaker Wilder.

**PRAYER**

The proceedings were opened with prayer by Pastor Mitch McClure of Middle Valley Church of God in Hickson, Tennessee, a guest of Senator Fowler.

**PLEDGE OF ALLEGIANCE**

Senator Fowler led the Senate in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 30

Senators present were: Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--30.

**COMMUNICATIONS**

TO: All Senators  
FROM: James F. Kyle  
DATE: January 31, 2003  
RE: Session Absence

Please take notice that I will be unable to be in Nashville for Session the 31st of March, the 1st of April and possibly the 2nd of April.

APPROVED: Lieutenant Governor  
John S. Wilder

March 31, 2003

The Honorable John S. Wilder  
Lieutenant Governor  
State of Tennessee  
1 Legislative Plaza  
Nashville, TN 37243-0026

Dear John:

I would greatly appreciate your approval for my absence from the Senate Chamber and Sessions on Monday, March 31, and Wednesday, April 2, 2003, due to the necessity of properly regulating my blood pressure medication and the adjustment to the new medication.

**MONDAY, MARCH 31, 2003 -- 25TH LEGISLATIVE DAY**

Thank you for your consideration of this urgent request.

Sincerely,

/s/ Ben Atchley

APPROVED: Lieutenant Governor  
John S. Wilder

March 31, 2003

The Honorable John S. Wilder  
Lieutenant Governor  
State of Tennessee  
1 Legislative Plaza  
Nashville, TN 37243-0026

Dear John:

Please excuse me from Session today, Monday, March 31, 2003. I have been in for the day, however, have become ill and will not be able to attend.

Sincerely,

/s/ Doug Jackson

APPROVED: Lieutenant Governor  
John S. Wilder

**INTRODUCTION OF BILLS**

The Speaker announced that the following bills were filed for introduction and passed first consideration:

**Senate Bill No. 2007** by Senator Ketron.

Maury County -- Subject to local approval, increases membership of civil service board for sheriff's employees from five to seven members. Amends Chapter 475 of the Private Acts of 1967-68; as amended.

**Senate Bill No. 2008** by Senator Graves.

Sumner County -- Subject to local approval, provides that sheriff shall be named to financial management committee in lieu of superintendent of highways or director of schools if highway department or education department is opted out of Financial Management System Act. Amends Chapter 113 of the Private Acts of 2002.

**Senate Bill No. 2009** by Senator Jackson.

White Bluff -- Subject to local approval, abolishes and rewrites charter of Town of White Bluff. Amends Chapter 257 of the Private Acts of 1923; as amended.

**Senate Bill No. 2010** by Senator Ketron.

Maury County -- Subject to local approval, establishes rules for parks owned, operated or leased by county.

**HOUSE BILLS ON FIRST CONSIDERATION**

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

**House Bill No. 538** -- Firefighters -- Prohibits employer from terminating employee, who is volunteer firefighter, and who misses work or is late to work in order to respond to emergency. Amends TCA Title 8; Title 50 and Title 68, Chapter 102.

**House Bill No. 572** -- Courts, Municipal -- Imposes moratorium on creation of new municipal courts either by General Assembly or home rule municipalities until such time as committee appointed by judicial council studies matter, makes recommendations to General Assembly and General Assembly has had one session to consider recommendations. Amends TCA Title 6 and Title 16, Chapter 17, Part 1.

**House Bill No. 1152** -- Appeal and Review -- Provides that in certain counties appeal from decision of probate court goes to court of appeals even if probate court is served by judge who is not circuit court judge or chancellor. Amends TCA Section 30-2-609.

**House Bill No. 1262** -- Child Custody and Support -- Prohibits non-supporting parent under court order requiring payment of support who intentionally refuses or neglects to pay child support for two-year period from recovering monetary damages under Tennessee Wrongful Death Act for wrongful death of such parent's child. Amends TCA Section 20-5-107.

**House Bill No. 1314** -- Tennessee Bureau of Investigation -- Clarifies that criminal history records check for persons working with children will include check conducted by Federal Bureau of Investigation along with Tennessee Bureau of Investigation; clarifies that Federal Bureau of Investigation will be reimbursed for cost of check in same manner as Tennessee Bureau of Investigation. Amends TCA Section 37-1-414.

**House Bill No. 1315** -- Tennessee Bureau of Investigation -- Requires person applying to work or volunteer with children submit fingerprint samples to Tennessee Bureau of Investigation and Federal Bureau of Investigation. Amends TCA Section 37-5-511.

**House Bill No. 1319** -- Tennessee Bureau of Investigation -- Specifies that certain criminal history records check requested by home care organizations shall be jointly performed by TBI and FBI. Amends TCA Section 68-11-233.

**House Bill No. 1342** -- Public Health -- Directs commissioner of health to request waiver of foreign residence requirement for all qualified aliens who agree to practice medicine in underserved area of Tennessee. Amends TCA Title 68, Chapter 1, Part 1.

**House Bill No. 1428** -- Libraries -- Subject to local approval, provides that in Knox County county executive shall exercise supervisory authority over public library system and county library board shall act solely in advisory capacity. Amends TCA Section 10-3-103.

**INTRODUCTION OF RESOLUTIONS**

The Speaker announced the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

**Senate Joint Resolution No. 206** by Senator Beavers.

Memorials, Public Service -- Lebanon Department of Safety, Police Division.

**Senate Joint Resolution No. 207** by Senator Beavers.

Memorials, Academic Achievement -- Cynthia Nicole Fox, Salutatorian, Hermitage Springs High School.

**Senate Joint Resolution No. 208** by Senator Beavers.

Memorials, Academic Achievement -- Joshua McCarter, Valedictorian, Hermitage Springs High School.

**Senate Joint Resolution No. 209** by Senator Bryson.

Memorials, Sports -- Brentwood Academy Eagles, State Championship.

**Senate Joint Resolution No. 210** by Senators Crutchfield and Bryson.

General Assembly, Confirmation of Appointment -- Boyce C. Magli, Wildlife Resources Commission.

**Senate Joint Resolution No. 211** by Senators Crutchfield and Herron.

General Assembly, Confirmation of Appointment -- Thomas H. Edwards, Wildlife Resources Commission.

**Senate Joint Resolution No. 212** by Senators Crutchfield and Miller.

General Assembly, Confirmation of Appointment -- Gary K. Kimsey, Wildlife Resources Commission.

**Senate Joint Resolution No. 213** by Senators Dixon and Ford.

Memorials, Professional Achievement -- Vicki Palmer.

**RESOLUTIONS LYING OVER**

**House Joint Resolution No. 164** -- Naming and Designating -- March 2003, National

Athletic Training Month.

The Speaker announced that he had referred House Joint Resolution No. 164 to Committee on Calendar.

**House Joint Resolution No. 174** -- Memorials, Professional Achievement -- Tennessee

Medical Association Alliance, 75th anniversary.

The Speaker announced that he had referred House Joint Resolution No. 174 to Committee on Calendar.

**House Joint Resolution No. 190** -- Memorials, Public Service -- Dodd Family, Bike Across

America.

The Speaker announced that he had referred House Joint Resolution No. 190 to Committee on Calendar.

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**House Joint Resolution No. 191** -- Memorials, Academic Achievement -- Brittany Rigsby, Salutatorian, Eagleville High School.

The Speaker announced that he had referred House Joint Resolution No. 191 to Committee on Calendar.

**House Joint Resolution No. 192** -- Memorials, Academic Achievement -- Benjamin Vance, Valedictorian, Blackman High School.

The Speaker announced that he had referred House Joint Resolution No. 192 to Committee on Calendar.

**House Joint Resolution No. 193** -- Memorials, Academic Achievement -- David Hargis, Valedictorian, Blackman High School.

The Speaker announced that he had referred House Joint Resolution No. 193 to Committee on Calendar.

**House Joint Resolution No. 194** -- Memorials, Academic Achievement -- John Trageser, Valedictorian, Blackman High School.

The Speaker announced that he had referred House Joint Resolution No. 194 to Committee on Calendar.

**House Joint Resolution No. 195** -- Memorials, Academic Achievement -- Jenna Thomas, Valedictorian, Blackman High School.

The Speaker announced that he had referred House Joint Resolution No. 195 to Committee on Calendar.

**House Joint Resolution No. 196** -- Memorials, Academic Achievement -- Hannah Randolph, Valedictorian, Blackman High School.

The Speaker announced that he had referred House Joint Resolution No. 196 to Committee on Calendar.

**House Joint Resolution No. 197** -- Memorials, Academic Achievement -- Mary Beth Flaschner, Valedictorian, Blackman High School.

The Speaker announced that he had referred House Joint Resolution No. 197 to Committee on Calendar.

**House Joint Resolution No. 198** -- Memorials, Academic Achievement -- Jason Crook, Valedictorian, Blackman High School.

The Speaker announced that he had referred House Joint Resolution No. 198 to Committee on Calendar.

**House Joint Resolution No. 199** -- Memorials, Academic Achievement -- Kelli Ann Paschal, Salutatorian, Blackman High School.

## MONDAY, MARCH 31, 2003 -- 25TH LEGISLATIVE DAY

The Speaker announced that he had referred House Joint Resolution No. 199 to Committee on Calendar.

**House Joint Resolution No. 200** -- Memorials, Academic Achievement -- Amber Galliher, Valedictorian, LaVergne High School.

The Speaker announced that he had referred House Joint Resolution No. 200 to Committee on Calendar.

**House Joint Resolution No. 201** -- Memorials, Academic Achievement -- Brittany Greene, Valedictorian, LaVergne High School.

The Speaker announced that he had referred House Joint Resolution No. 201 to Committee on Calendar.

**House Joint Resolution No. 202** -- Memorials, Academic Achievement -- Bradley McIlwain, Salutatorian, LaVergne High School.

The Speaker announced that he had referred House Joint Resolution No. 202 to Committee on Calendar.

**House Joint Resolution No. 203** -- Memorials, Academic Achievement -- Danielle Lansom, Valedictorian, LaVergne High School.

The Speaker announced that he had referred House Joint Resolution No. 203 to Committee on Calendar.

**House Joint Resolution No. 204** -- Memorials, Academic Achievement -- April Richardson, Valedictorian, LaVergne High School.

The Speaker announced that he had referred House Joint Resolution No. 204 to Committee on Calendar.

**House Joint Resolution No. 205** -- Memorials, Academic Achievement -- Robert Stevens, Valedictorian, Middle Tennessee Christian School.

The Speaker announced that he had referred House Joint Resolution No. 205 to Committee on Calendar.

**House Joint Resolution No. 206** -- Memorials, Academic Achievement -- Casey Hall, Salutatorian, Middle Tennessee Christian School.

The Speaker announced that he had referred House Joint Resolution No. 206 to Committee on Calendar.

**House Joint Resolution No. 207** -- Memorials, Academic Achievement -- Travis Copen, Valedictorian, Riverdale High School.

The Speaker announced that he had referred House Joint Resolution No. 207 to Committee on Calendar.

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**House Joint Resolution No. 208** -- Memorials, Academic Achievement -- Shannon Beels, Valedictorian, Riverdale High School.

The Speaker announced that he had referred House Joint Resolution No. 208 to Committee on Calendar.

**House Joint Resolution No. 209** -- Memorials, Academic Achievement -- Dashiell Hibbard, Valedictorian, Riverdale High School.

The Speaker announced that he had referred House Joint Resolution No. 209 to Committee on Calendar.

**House Joint Resolution No. 210** -- Memorials, Academic Achievement -- Lauren Todt, Valedictorian, Riverdale High School.

The Speaker announced that he had referred House Joint Resolution No. 210 to Committee on Calendar.

**House Joint Resolution No. 211** -- Memorials, Academic Achievement -- Amanda Lewis, Valedictorian, Riverdale High School.

The Speaker announced that he had referred House Joint Resolution No. 211 to Committee on Calendar.

**House Joint Resolution No. 212** -- Memorials, Academic Achievement -- Neha Kakkar, Valedictorian, Riverdale High School.

The Speaker announced that he had referred House Joint Resolution No. 212 to Committee on Calendar.

**House Joint Resolution No. 213** -- Memorials, Academic Achievement -- Brian Lynch, Valedictorian, Riverdale High School.

The Speaker announced that he had referred House Joint Resolution No. 213 to Committee on Calendar.

**House Joint Resolution No. 214** -- Memorials, Academic Achievement -- John King, Valedictorian, Riverdale High School.

The Speaker announced that he had referred House Joint Resolution No. 214 to Committee on Calendar.

**House Joint Resolution No. 215** -- Memorials, Academic Achievement -- Stacey Badger, Valedictorian, Riverdale High School.

The Speaker announced that he had referred House Joint Resolution No. 215 to Committee on Calendar.

**House Joint Resolution No. 216** -- Memorials, Academic Achievement -- Stacie Malone, Valedictorian, Smyrna High School.

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The Speaker announced that he had referred House Joint Resolution No. 216 to Committee on Calendar.

**House Joint Resolution No. 217** -- Memorials, Academic Achievement -- Jon Williamson, Valedictorian, Smyrna High School.

The Speaker announced that he had referred House Joint Resolution No. 217 to Committee on Calendar.

**House Joint Resolution No. 218** -- Memorials, Academic Achievement -- Jayna Reed, Valedictorian, Smyrna High School.

The Speaker announced that he had referred House Joint Resolution No. 218 to Committee on Calendar.

**House Joint Resolution No. 219** -- Memorials, Academic Achievement -- Ashley Fuqua, Valedictorian, Smyrna High School.

The Speaker announced that he had referred House Joint Resolution No. 219 to Committee on Calendar.

**House Joint Resolution No. 220** -- Memorials, Academic Achievement -- Heather Fuqua, Valedictorian, Smyrna High School.

The Speaker announced that he had referred House Joint Resolution No. 220 to Committee on Calendar.

**House Joint Resolution No. 221** -- Memorials, Academic Achievement -- Nicholas Franklin, Valedictorian, Smyrna High School.

The Speaker announced that he had referred House Joint Resolution No. 221 to Committee on Calendar.

**House Joint Resolution No. 222** -- Memorials, Academic Achievement -- Shauna Durham, Salutatorian, Smyrna High School.

The Speaker announced that he had referred House Joint Resolution No. 222 to Committee on Calendar.

**House Joint Resolution No. 223** -- Memorials, Academic Achievement -- Andrew Davenport, Valedictorian, Smyrna High School.

The Speaker announced that he had referred House Joint Resolution No. 223 to Committee on Calendar.

**House Joint Resolution No. 224** -- Memorials, Academic Achievement -- Corinne Anderson, Valedictorian, Smyrna High School.

The Speaker announced that he had referred House Joint Resolution No. 224 to Committee on Calendar.



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**House Joint Resolution No. 225** -- Memorials, Academic Achievement -- Brenna Kay Heffner, Valedictorian, Oakland High School.

The Speaker announced that he had referred House Joint Resolution No. 225 to Committee on Calendar.

**House Joint Resolution No. 226** -- Memorials, Academic Achievement -- Kathleen Schmidt, Valedictorian, Oakland High School.

The Speaker announced that he had referred House Joint Resolution No. 226 to Committee on Calendar.

**House Joint Resolution No. 227** -- Memorials, Academic Achievement -- Katherine Templeton, Valedictorian, Oakland High School.

The Speaker announced that he had referred House Joint Resolution No. 227 to Committee on Calendar.

**House Joint Resolution No. 228** -- Memorials, Academic Achievement -- John Richmond, Valedictorian, Oakland High School.

The Speaker announced that he had referred House Joint Resolution No. 228 to Committee on Calendar.

**House Joint Resolution No. 229** -- Memorials, Academic Achievement -- Molly Roberson, Valedictorian, Oakland High School.

The Speaker announced that he had referred House Joint Resolution No. 229 to Committee on Calendar.

**House Joint Resolution No. 230** -- Memorials, Academic Achievement -- Felisha Riggs, Valedictorian, Oakland High School.

The Speaker announced that he had referred House Joint Resolution No. 230 to Committee on Calendar.

**House Joint Resolution No. 231** -- Memorials, Academic Achievement -- Erin Snyder, Valedictorian, Oakland High School.

The Speaker announced that he had referred House Joint Resolution No. 231 to Committee on Calendar.

**House Joint Resolution No. 232** -- Memorials, Academic Achievement -- Yu Chiu-Tien Nmn, Valedictorian, Oakland High School.

The Speaker announced that he had referred House Joint Resolution No. 232 to Committee on Calendar.

**House Joint Resolution No. 233** -- Memorials, Academic Achievement -- Joanna Bradley, Valedictorian, Oakland High School.

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The Speaker announced that he had referred House Joint Resolution No. 233 to Committee on Calendar.

**House Joint Resolution No. 234** -- Memorials, Academic Achievement -- Sara Carter, Valedictorian, Oakland High School.

The Speaker announced that he had referred House Joint Resolution No. 234 to Committee on Calendar.

**House Joint Resolution No. 235** -- Memorials, Academic Achievement -- Michael Hurder, Valedictorian, Oakland High School.

The Speaker announced that he had referred House Joint Resolution No. 235 to Committee on Calendar.

**House Joint Resolution No. 236** -- Memorials, Academic Achievement -- Brian Huwe, Valedictorian, Oakland High School.

The Speaker announced that he had referred House Joint Resolution No. 236 to Committee on Calendar.

**House Joint Resolution No. 237** -- Memorials, Academic Achievement -- Heather Ruse, Valedictorian, Oakland High School.

The Speaker announced that he had referred House Joint Resolution No. 237 to Committee on Calendar.

**House Joint Resolution No. 238** -- Memorials, Academic Achievement -- Eric Bolyard, Valedictorian, Oakland High School.

The Speaker announced that he had referred House Joint Resolution No. 238 to Committee on Calendar.

**House Joint Resolution No. 239** -- Memorials, Academic Achievement -- Amanda McCurley, Salutatorian, Franklin Road Christian School.

The Speaker announced that he had referred House Joint Resolution No. 239 to Committee on Calendar.

**House Joint Resolution No. 240** -- Memorials, Academic Achievement -- Tamara Fox, Valedictorian, Franklin Road Christian School.

The Speaker announced that he had referred House Joint Resolution No. 240 to Committee on Calendar.

**House Joint Resolution No. 241** -- Memorials, Academic Achievement -- Megan Elizabeth Davis, Salutatorian, Eagleville High School.

The Speaker announced that he had referred House Joint Resolution No. 241 to Committee on Calendar.

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**House Joint Resolution No. 242** -- Memorials, Academic Achievement -- Ashley Marie Johnson, Valedictorian, Eagleville High School.

The Speaker announced that he had referred House Joint Resolution No. 242 to Committee on Calendar.

**House Joint Resolution No. 243** -- Memorials, Academic Achievement -- Benjamin King, Valedictorian, Eagleville High School.

The Speaker announced that he had referred House Joint Resolution No. 243 to Committee on Calendar.

**House Joint Resolution No. 244** -- Memorials, Academic Achievement -- Karyl Smotherman, Valedictorian, Eagleville High School.

The Speaker announced that he had referred House Joint Resolution No. 244 to Committee on Calendar.

**House Joint Resolution No. 245** -- Memorials, Academic Achievement -- Jacob Lee Smith, Valedictorian, Eagleville High School.

The Speaker announced that he had referred House Joint Resolution No. 245 to Committee on Calendar.

**House Joint Resolution No. 246** -- Memorials, Sports -- Gallatin High School boys' basketball team.

The Speaker announced that he had referred House Joint Resolution No. 246 to Committee on Calendar.

**House Joint Resolution No. 247** -- Memorials, Retirement -- Evelyn Tuttle.

The Speaker announced that he had referred House Joint Resolution No. 247 to Committee on Calendar.

**House Joint Resolution No. 248** -- Memorials, Personal Occasion -- Don and Pearl Mae Stringfellow, 50th wedding anniversary.

The Speaker announced that he had referred House Joint Resolution No. 248 to Committee on Calendar.

**House Joint Resolution No. 249** -- Memorials, Professional Achievement -- Danielle Smith, Sumner County Teacher of the Year.

The Speaker announced that he had referred House Joint Resolution No. 249 to Committee on Calendar.

**House Joint Resolution No. 250** -- Memorials, Professional Achievement -- Cynthia Binkley, Sumner County Teacher of the Year.

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The Speaker announced that he had referred House Joint Resolution No. 250 to Committee on Calendar.

**House Joint Resolution No. 251** -- Memorials, Professional Achievement -- Jean Hawkins, Sumner County Middle School Teacher of the Year.

The Speaker announced that he had referred House Joint Resolution No. 251 to Committee on Calendar.

**House Joint Resolution No. 252** -- Memorials, Sports -- Hendersonville High School boys' basketball team.

The Speaker announced that he had referred House Joint Resolution No. 252 to Committee on Calendar.

**House Joint Resolution No. 253** -- Memorials, Sports -- Hendersonville High School Golden girls dance team.

The Speaker announced that he had referred House Joint Resolution No. 253 to Committee on Calendar.

**House Joint Resolution No. 254** -- Memorials, Professional Achievement -- Billy Mayfield, TSSAA Hall of Fame.

The Speaker announced that he had referred House Joint Resolution No. 254 to Committee on Calendar.

**House Joint Resolution No. 255** -- Memorials, Professional Achievement -- William H. Watkins, Jr., Alumnus of the Year.

The Speaker announced that he had referred House Joint Resolution No. 255 to Committee on Calendar.

**House Joint Resolution No. 256** -- Memorials, Heroism -- Markeet Miller.

The Speaker announced that he had referred House Joint Resolution No. 256 to Committee on Calendar.

**House Joint Resolution No. 257** -- Memorials, Heroism -- Mario Montgomery.

The Speaker announced that he had referred House Joint Resolution No. 257 to Committee on Calendar.

**House Joint Resolution No. 258** -- Memorials, Heroism -- Joseph Miller.

The Speaker announced that he had referred House Joint Resolution No. 258 to Committee on Calendar.

**House Joint Resolution No. 259** -- Memorials, Heroism -- Danny Jackson.

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The Speaker announced that he had referred House Joint Resolution No. 259 to Committee on Calendar.

**House Joint Resolution No. 260** -- Memorials, Retirement -- Patty Crutchfield.

The Speaker announced that he had referred House Joint Resolution No. 260 to Committee on Calendar.

**House Joint Resolution No. 263** -- Memorials, Retirement -- Evelyn Tuttle.

The Speaker announced that he had referred House Joint Resolution No. 263 to Committee on Calendar.

**Senate Joint Resolution No. 205** -- General Assembly, Statement of Intent or Position -- Urges public library boards to require public libraries to obtain parental consent prior to allowing minor check out "R" or "NC-17" rated library materials.

The Speaker announced that he had referred Senate Joint Resolution No. 205 to Committee on State and Local Government.

**NOTICE**

**MESSAGE FROM THE HOUSE**

March 27, 2003

MR. SPEAKER: I am directed to request the return of Senate Bill No. 1691, for further consideration.

BURNEY T. DURHAM,  
Chief Clerk.

**RECALL OF BILL**

On motion of Senator Williams, **Senate Bill No. 1913** was recalled from the Committee on Finance, Ways and Means.

**REFERRAL**

On motion of Senator Williams, Senate Bill No. 1913 was rereferred to the Committee on Transportation.

**CONSENT CALENDAR NO. 1**

**Senate Bill No. 787** -- Child Custody and Support -- Prohibits non-supporting parent under court order requiring payment of support who intentionally refuses or neglects to pay child support for two-year period from recovering monetary damages under Tennessee Wrongful Death Act for wrongful death of such parent's child. Amends TCA Section 20-5-107.

On motion, Senate Bill No. 787 was made to conform with **House Bill No. 1262**.

On motion, House Bill No. 1262, on same subject, was substituted for Senate Bill No. 787.

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**Senate Bill No. 1750** -- Judicial Officers -- Requires presiding general sessions criminal judge of any county which appoints judicial commissioners to establish qualifications and training necessary for person to be appointed as judicial commissioner. Amends TCA Section 40-1-111.

**Senate Bill No. 1500** -- Tennessee Bureau of Investigation -- Requires person applying to work or volunteer with children submit fingerprint samples to Tennessee Bureau of Investigation and Federal Bureau of Investigation. Amends TCA Section 37-5-511.

On motion, Senate Bill No. 1500 was made to conform with **House Bill No. 1315**.

On motion, House Bill No. 1315, on same subject, was substituted for Senate Bill No. 1500.

**Senate Bill No. 1850** -- Civil Procedure -- Defines "notice" for purposes of notifying applicants under "Adult-Oriented Establishment Registration Act" to include mailing by first class in U.S. mail and receipt of notification to be presumed three days after mailing. Amends TCA Title 7, Chapter 51, Part 11.

Senator Crowe moved that all Senate Bills and House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	28
Noes .....	0

Senators voting aye were: Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Ford, Graves, Harper, Haynes, Henry, Herron, Ketron, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--28.

A motion to reconsider was tabled.

**CONSENT CALENDAR NO. 2**

**House Joint Resolution No. 28** -- Memorials, Personal Achievement -- Phi Theta Kappa All-Tennessee Academic Team.

**Senate Joint Resolution No. 195** -- Memorials, Personal Achievement -- Matthew Philip Kiessling, Eagle Scout.

**Senate Joint Resolution No. 196** -- Memorials, Death -- Phillip Street, Sr.

**Senate Joint Resolution No. 197** -- Memorials, Retirement -- John Neal Winstead, Sr.

**Senate Joint Resolution No. 198** -- Memorials, Professional Achievement -- Dale Wainwright, Texas Supreme Court.

**Senate Joint Resolution No. 199** -- Memorials, Professional Achievement -- Rick Insell, TSSAA Hall of Fame.

**Senate Joint Resolution No. 200** -- Memorials, Sports -- Ashleigh Newman, 1,000th point.

**Senate Joint Resolution No. 202** -- Memorials, Sports -- Shelbyville Golden Eaglettes, TSSAA Class AAA basketball champs.

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Senator Crowe moved that all Senate Joint Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes .....	29
Noes .....	0

Senators voting aye were: Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Henry, Herron, Ketron, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

### RECESS

Senator Crutchfield moved the Senate stand in recess for thirty minutes, which motion prevailed by the following vote:

Ayes .....	22
Noes .....	3
Present, not voting . . .	1

Senators voting aye were: Burchett, Burks, Crowe, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Herron, Ketron, Kurita, McLeary, McNally, Miller, Norris, Person, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--22.

Senators voting no were: Clabough, Cohen and Cooper--3.

Senator present and not voting was: Henry--1.

### CALL TO ORDER

The Senate was called to order by Mr. Speaker Wilder.

### ROLL CALL

The Speaker declared that a quorum was present.

On motion, the roll call was dispensed with.

### CALENDAR

**Senate Bill No. 185** -- Education, Higher -- Requires incoming students at public and private institutions of higher learning who live in on-campus housing to be vaccinated against meningococcal disease or to sign waiver. Amends TCA Title 49.

Senator Graves moved to amend as follows:

### **AMENDMENT NO. 1**

AMEND by deleting subsection (a) of the amendatory language of Section 1 and by substituting instead the following:

(a) New incoming students at any public or private institution of higher learning in this state who live in on-campus student housing shall return a completed waiver form pursuant to this section. A waiver form shall indicate that the institution has provided detailed information to the student concerning meningococcal disease and the availability and effectiveness of vaccine and that the student, parent or guardian has received and reviewed the information and has chosen to have the student vaccinated or not to have the student vaccinated. In order to complete a waiver form, a student who is eighteen (18) years of age or older may sign a waiver or, for minors, the student's parent or guardian may sign the waiver.

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 185**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	28
Noes . . . . .	0

Senators voting aye were: Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Henry, Herron, Ketron, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--28.

A motion to reconsider was tabled.

**Senate Bill No. 189** -- Professions and Occupations -- Removes private protective service contractors from general contractor law when such private protective service providers are performing functions for which such entities are certified. Amends TCA Title 62, Chapter 6.

**Senate Bill No. 189** passed its third and final consideration by the following vote:

Ayes . . . . .	26
Noes . . . . .	0
Present, not voting . . .	1

Senators voting aye were: Beavers, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Henry, Herron, Ketron, Kurita, McLeary, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--26.

Senator present and not voting was: McNally--1.

A motion to reconsider was tabled.

**Senate Bill No. 1740** -- Game and Fish Laws -- Authorizes use of snare traps in Bledsoe County. Amends TCA Section 70-4-120.

Senator Miller moved that Amendment No. 1 be withdrawn, which motion prevailed.

Senator Cooper moved to amend as follows:

#### AMENDMENT NO. 2

AMEND by deleting Section 1 in its entirety, and by substituting instead the following language:



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SECTION 1. Tennessee Code Annotated, Section 70-4-120(a)(F)(ii)(a), is amended by inserting the language "Bledsoe County, Sevier County," between the language "shall not apply to" and the language "Blount County".

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 1740**, as amended, passed its third and final consideration by the following vote:

Ayes .....	26
Noes .....	0

Senators voting aye were: Beavers, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Henry, Herron, Ketron, Kurita, McLeary, McNally, Miller, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--26.

A motion to reconsider was tabled.

**Senate Bill No. 1938** -- Insurance Companies, Agents, Brokers, Policies -- Includes third party payors or carriers regulated by Department of Commerce and Insurance and self-insured entities as entities authorized to share information regarding child immunization records. Amends Tennessee Code Annotated, Sections 63-2-101 and 37-10-401.

Senator Cooper moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 63-2-101(e), is amended by inserting the words "or any third party payor or health insurance entity regulated by the Department of Commerce and Insurance doing business in Tennessee, or any entity which has elected, organized and qualified as a self-insured entity" between the words "physician" and "who".

SECTION 2. Tennessee Code Annotated, Section 37-10-401(c), is amended by inserting the words "or any third party payor or health insurance entity regulated by the Department of Commerce and Insurance doing business in Tennessee, or any entity which has elected, organized and qualified as a self-insured entity" between the words "providers" and "may" in the third sentence; and is further amended by deleting the fourth sentence in its entirety and substituting instead the following new sentence:

Information from the registry shall be available to parents and legal guardians; health care providers; any third party payor or health insurance entity regulated by the Department of Commerce and Insurance doing business in Tennessee; any entity which has elected, organized and qualified as a self-insured entity; and schools, child care facilities, and other institutions having care or custody of children.

SECTION 3. This act shall take effect upon becoming law, the public welfare requiring it.

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On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 1938**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 29  
Noes . . . . . 0

Senators voting aye were: Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Henry, Herron, Ketron, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

Senator Trail moved that **Senate Bill No. 614** be placed on the calendar for Monday, April 7, 2003, which motion prevailed.

**Senate Bill No. 1581** -- Unclaimed Property -- Decreases time period issuer must wait to presume gift certificate is abandoned property from more than five years to earlier of two years or certificate's expiration date; prevents gift certificate issued after December 31, 1998, from being abandoned property if issuer does not impose dormancy charge and certificate expiration date is not effective or applicable.

**Senate Bill No. 1581** passed its third and final consideration by the following vote:

Ayes . . . . . 29  
Noes . . . . . 0

Senators voting aye were: Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Henry, Herron, Ketron, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

**MOTION**

Senator Ketron moved that the rules be suspended for the immediate consideration of **House Joint Resolution No. 268**, out of order, which motion prevailed.

**RESOLUTION LYING OVER**

**House Joint Resolution No. 268** -- Memorials, Congratulations -- City of Fayetteville, 100 years of incorporation.

On motion of Senator Ketron, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 268** was concurred in by the following vote:

Ayes ..... 29  
Noes ..... 0

Senators voting aye were: Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Henry, Herron, Ketron, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

### **SENATE MESSAGE CALENDAR**

#### **SENATE BILL ON HOUSE AMENDMENT**

**Senate Bill No. 15** -- Codes -- Allows LEA vocational-technical students to construct on campus and sell one modular building each year, under certain conditions, without complying with Modular Building Act. Amends TCA Title 68, Chapter 126, Part 3.

#### **HOUSE AMENDMENT NO. 1**

AMEND by deleting the words "residential modular building per school year" in subdivision (1) of the amendatory section of Section 1 of the printed bill and substituting the language "residential modular building per school per school year".

Senator McNally moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 15**, which motion prevailed by the following vote:

Ayes ..... 29  
Noes ..... 0

Senators voting aye were: Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Henry, Herron, Ketron, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

#### **SENATE BILL ON HOUSE AMENDMENT**

**Senate Bill No. 39** -- Consumer Protection -- Transfers authority to regulate unsolicited facsimiles from Department of Commerce and Insurance to Tennessee Regulatory Authority. Amends TCA Title 47, Chapter 18, Part 16; Title 47, Chapter 18, Part 25 and Title 65, Chapter 4.

#### **HOUSE AMENDMENT NO. 1**

AMEND by deleting the semicolon at the end of §65-4-01(3) of Section 1 of the printed bill and substituting instead the following:

, or interactive computer service provider as defined by 47 USC Section 230(f);

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Senator Henry moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 39**, which motion prevailed by the following vote:

Ayes . . . . . 29  
Noes . . . . . 0

Senators voting aye were: Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Henry, Herron, Ketron, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

**SENATE BILL ON HOUSE AMENDMENT**

**Senate Bill No. 134** -- Consumer Protection -- Requires bedding sold in this state to have certain tags securely and permanently attached thereto.

**HOUSE AMENDMENT NO. 2**

AMEND by deleting subsection (b)(3) of the amendatory language of Section 1 of the printed bill in its entirety and by substituting instead the following:

(b)(3) Is indelibly stamped or printed in the English and Spanish languages a statement or statements:

Senator Henry moved that the Senate nonconcur in House Amendment No. 2 to **Senate Bill No. 134**, which motion prevailed by the following vote:

Ayes . . . . . 29  
Noes . . . . . 0

Senators voting aye were: Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Henry, Herron, Ketron, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

**SENATE BILL ON HOUSE AMENDMENT**

**Senate Bill No. 1452** -- Motor Vehicles -- Removes Tennessee registration requirement for motor vehicles covered under lemon law and removes antique vehicles from lemon law and puts back in passenger motor vehicles; adds definitions of "motor vehicle" and "person" for purposes of lemon law. Amends TCA Section 55-24-201(3).

**HOUSE AMENDMENT NO. 2**

AMEND by inserting a new Section 4 as follows and by renumbering the subsequent sections accordingly:

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SECTION 4. Tennessee Code Annotated, Section 55-24-205(a)(1), is amended by deleting the existing language in its entirety and by substituting instead the following:

(a)(1) the same nonconformity has been subject to repair three (3) or more times by the manufacturer or its agents or authorized dealers during the term of protection but such nonconformity continues to exist; or

Senator Clabough moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 1452**, which motion prevailed by the following vote:

Ayes ..... 29  
Noes ..... 0

Senators voting aye were: Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Henry, Herron, Ketron, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

**MOTION**

Senator McNally moved that Rule 83(8) be suspended for the purpose of allowing the Committee on Education to meet on Wednesday, April 2, 2003, immediately after session, which motion prevailed by the following vote:

Ayes ..... 27  
Noes ..... 0

Senators voting aye were: Beavers, Bryson, Burchett, Burks, Cooper, Crowe, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Henry, Herron, Ketron, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--27.

**RECALL OF BILL**

On motion of Mr. Speaker Wilder, **Senate Bill No. 897** was recalled from the Committee on Transportation.

**REFERRAL**

On motion of Mr. Speaker Wilder, Senate Bill No. 897 was referred to the Committee on Commerce, Labor and Agriculture.

**MOTION**

On motion of Senator Person, his name was added as sponsor of **Senate Bill No. 1173**.

On motion of Senator Cooper, his name was added as sponsor of **House Joint Resolution No. 268**.

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On motion of Senator Burks, her name was added as sponsor of **Senate Bill No. 15**.

**ENGROSSED BILLS**

March 31, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 185, 189, 1581, 1740 and 1938; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**ENGROSSED BILLS**

March 31, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 1750 and 1850, and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**ENGROSSED BILLS**

March 31, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolutions Nos. 195, 196, 197, 198, 199, 200 and 202; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**MESSAGE FROM THE HOUSE**

March 31, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 47, 291, 579, 742, 838 and 1047; substituted for House Bills on same subjects and passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 31, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 466, 472, 751, 758, 789, 863, 900, 987, 1010, 1013, 1158, 1597, 1951, 2077, 2078, 2079 and 2080; passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 31, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 193 and 194, concurred in by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 31, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 97, 265, 266, 267 and 271; adopted, for the Senate's action.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 31, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 268, adopted, for the Senate's action.

BURNEY T. DURHAM,  
Chief Clerk.

**ENROLLED BILLS**

March 31, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Bills Nos. 390 and 1736, and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**ENROLLED BILLS**

April 1, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolutions Nos. 193 and 194, and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**MESSAGE FROM THE HOUSE**

March 27, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 1251, for the signature of the Speaker.

BURNEY T. DURHAM,  
Chief Clerk.

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**MESSAGE FROM THE HOUSE**

March 31, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 1810 and 2069, for the signature of the Speaker.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 1, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 28 and 268, for the signature of the Speaker.

BURNEY T. DURHAM,  
Chief Clerk.

**SIGNED**

March 31, 2003

The Speaker announced that he had signed the following: Senate Bills Nos. 390 and 1736; and House Bills Nos. 1251, 1810 and 2069.

**SIGNED**

April 1, 2003

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 193 and 194.

**SIGNED**

April 1, 2003

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 28 and 268.

**MESSAGE FROM THE HOUSE**

April 1, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 193 and 194, signed by the Speaker.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 1, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 390 and 1736, signed by the Speaker.

BURNEY T. DURHAM,  
Chief Clerk.



**REPORT OF CHIEF ENGROSSING CLERK**

April 1, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 193 and 194, for his action.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

April 1, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 390 and 1736, for his action.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR**

March 28, 2003

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bills Nos. 36, 341 and 677; and Senate Joint Resolution No. 203; with his approval.

ROBERT E. COOPER, JR.,  
Counsel to the Governor.

**REPORT OF COMMITTEE ON CALENDAR  
CONSENT CALENDAR**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Wednesday, April 2, 2003: House Joint Resolutions Nos. 174, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260 and 263.

This the 31st day of March, 2003.  
CROWE, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Wednesday, April 2, 2003: Senate Bills Nos. 1465, 1501, 1567, 1936 and 154.

This the 31st day of March, 2003.  
CROWE, Chairperson.

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**ADJOURNMENT**

Senator Crutchfield moved the Senate adjourn until 3:00 p.m., Wednesday, April 2, 2003, which motion prevailed.